

REMARKS

This responds to the Office Action dated October 6, 2008.

Claims 1-5, 7-10, 13-16, 18-19, 22, 24, 26-38, 42, 44, 47-54, 57-78, 127-132, 147, 149-150, 171-173, and 177-180 are amended.

Claims 21, 23, 25, 40, 79-94, 95-111, 112-117, 118-126, 133-134, 135-140, 141-146, 148, 151-153, 154-161, 162-169, 170 and 174-176 are canceled, claim 120 was previously canceled.

As a result, claims 1-19, 22, 24, 26-39, 41-78, 127-132, 147, 149-150, 171-173, and 177-180 are now pending in this application. Applicant reserves the right to prosecute one or more of the canceled claims in subsequent continuations.

Claim Objections

Claims 35-78, 95-161 and 171-180 were objected to as being informal.

One or more of these claims have either been amended or canceled. The phrases “good/service” and “goods/service” have been replaced with “offering” or “offerings”. Applicant submits that the objections are overcome.

§112 Rejection of the Claims

Claims 1-19 and 21-180 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

One or more of these claims have either been amended or canceled. Multiple instances of the phrase “additional information” have been amended to provide more clarification. The claim preambles have also been amended to provide more clarification. Applicant submits that the 112 rejections are overcome.

§102 Rejection of the Claims

Claims 1-16, 18, 19, 21-74, 78-109 and 118-180 were rejected under 35 U.S.C. § 102(e) for anticipation by Treyz et al. (U.S. Patent No. 6,526,335).

Amended independent claim 1 recites in part:

"a receiver for receiving a programming signal and an address associated with the provider of the offerings, the programming signal including information about the offerings; a controller coupled to the receiver, for decoding the address; a user interface coupled to the controller for entering user commands to access information available from the provider including information related to the offerings; a communications unit for establishing a link with the provider based on the user commands being entered using the user interface; and

an identification system for enabling user's identity to be determined based on arriving at a destination location associated with the address, wherein the address is embedded in the programming signal, and wherein the user's identity is determined after the user having selected at least one offering from the provider."

(Emphasis added.)

Treyz teaches using a user's identity to verify the user for accessing the Automobile Personal Computer (APC) (summary; figs. 25-26; fingerprint reader 156 of fig. 3; col. 30, lines 54 to col. 31, line 14). Treyz also teaches using the user's identity to identify the user's APC and to verify the user's identity and authorization to locate the user's automobile (col. 32, lines 28-54) or to remotely control the user's automobile (col. 42, lines 10-25). Treyz then teaches that the user's identity is also used to interact with parking garages and entrance gates (col. 48, line 43 to col. 51, line 6). Further, Tryez teaches using the user's credit card to verify the user's identity and to authorize fueling (col. 52, line 55 to col. 53, line 10). Applicant submits that Treyz teaches using the user's identity to access the APC or for services that the user identifies at the location where the user's identity is verified. This is different from having the user selecting a service or offering from a provider and then using an identification system to enable the user's identity to be determined. More specifically, Treyz fails to teach the limitations as claimed in claim 1.

Further, on page 8 of the Office Action mailed on October 6, 2008, the Examiner stated that Treyz teaches the address embedded in the programming signal since the APC handles various types of contents. Applicant submits that even if Treyz teaches the APC handles various types of contents, Treyz fails to teach that an embedded address is associated with a destination

location where the user's identity is determined. More specifically, Treyz fails to teach the limitations as claimed in claim 1.

At least for the above reason, Applicant submits that claim 1 and its dependent claims are patentable over Treyz. The 102 rejections are overcome.

Applicant submits that, at least for one or more of the reasons provided above with claim 1, independent claims 35, 78, 127, 147, 171 and 177 and their corresponding dependent claims are also patentable over Treyz. The 102 rejections are overcome.

§103 Rejection of the Claims

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. (U.S. Patent No. 6,526,335) as applied to claim 16 above, and in view of Merchant (U.S. Patent No. 6,240,183).

Claim 17 depends from claim 1, and since claim 1 is patentable as presented above, claim 17 is also patentable. The 103 rejection is overcome.

Claims 75-77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. (U.S. Patent No. 6,526,335) as applied to claim 35 above, and in view of Hiyokawa et al. (U.S. Patent No. 6,047,235).

Claims 75-77 depend from claim 35, and since claim 35 is patentable as presented above, claims 75-77 are also patentable. The 103 rejection is overcome.

Claims 110-117 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. (U.S. Patent No. 6,526,335) as applied to claim 16 above, and in view of DeLorme et al. (U.S. Patent No. 5,948,040).

Claims 110-117 are canceled. The 103 rejection is moot.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 6, 2009.

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